

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmember's

**FROM/PHONE:** Mark A. Kutney, AICP (954-797-1101)

**SUBJECT:** Resolution - Grant of Easement  
SW 142 Avenues

**AFFECTED DISTRICT:** District 4 - Judy Paul

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE A GRANT OF EASEMENT TO CENTRAL BROWARD WATER CONTROL DISTRICT FOR DRAINAGE PURPOSES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The Town Council approved Ordinance No. 2002-25, which vacated a portion of a 50' road right-of-way for SW 142 Avenue on August 21, 2002, as requested by the residents at the Town Council meeting of July 3, 2001.

The subject segment of SW 142 Avenue is presently a 50' unpaved right-of-way with a canal lying within said right-of-way. Upon reviewing the request, Central Broward Water Control District at its February 13, 2002 meeting recommended approval subject to providing a 25 foot Canal Maintenance Easement along the east side of the SW 142 Avenue right-of-way to be vacated.

**PREVIOUS ACTION:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** Not Applicable

**RECOMMENDATION(S):** Staff recommends that the subject report, on the grant of easement, be reviewed and discussed by Town Council so that a final decision may be rendered.

**Attachment(s):** Resolution with Back up, Land Use map, Subject Site map, and Aerial.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO EXECUTE A GRANT OF EASEMENT TO CENTRAL BROWARD WATER CONTROL DISTRICT FOR DRAINAGE PURPOSES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES AND THE TOWN SEAL TO SAID EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Town Council approved Ordinance No. 2002-25, which vacated a portion of road right-of-way for SW 142 Avenue on August 21, 2002; and

WHEREAS, Central Broward Water Control District required the Town of Davie to grant a 25' drainage easement along the east side of the existing canal at its meeting of February 22, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to execute a grant of easement to Central Broward Water Control District, for the purposes of providing a 25' drainage easement for the maintenance of the canal.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the easement in order for the easement to be in final, recordable form.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

**Prepared By:**

Davie Planning and Zoning Dept.  
6591 Orange Drive  
Davie, FL 33314

**Return To:**

Davie Town Clerk's Office  
6591 Orange Drive  
Davie, Florida 33314

**EASEMENT**

THIS EASEMENT is granted this \_\_\_\_ day of \_\_\_\_\_, 2002, between Central Broward Water Control District, hereinafter known as the "Grantee", whose post office address is 8020 Stirling Road (Davie), Hollywood, Florida, 33024, and the Town of Davie, Florida, a municipal corporation in Broward County, Florida, hereinafter known as the "Grantor", whose post office address is 6591 Orange Drive, Davie, Florida, 33314.

**WITNESSETH:**

That the Town, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid by the Town, the receipt whereof is hereby acknowledged, does hereby grant and convey to the Grantee, its successors and assigns, a perpetual drainage easement to install, repair, and maintain a canal system and/or water pipes, and the necessary appurtenances above and underground for such purposes; also the right to clear and keep clear such obstructions and the surface and subsurface that might endanger the proper construction, operation and maintenance of said system in, under, upon, over, and across that certain strip of land within the Town legally described as follows:

(See attached Sketch and Legal Description herein referred to as Exhibit "A")

Together with free ingress, egress and regress across said lands for the purposes of cleaning, maintaining and repairing said facilities, and together with the right and privileges to construct, inspect, alter, improve, remove or relocate such facilities. Such easement rights to continue for as long as the Central Broward Water Control District, its successors and assigns, require the said easements with rights herein granted for the operation and maintenance of such water and/or drainage lines and systems. The foregoing provisions are hereby declared to be reservations and restrictions running with the land.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

Witnessed by:

**Town of Davie**

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\_\_\_\_\_  
(Print Witness Name)

BY: \_\_\_\_\_  
Harry Venis  
Town Mayor

\_\_\_\_\_  
\_\_\_\_\_  
(Print Witness Name)

BY: \_\_\_\_\_  
Thomas J. Willi  
Town Administrator

Town Seal:

**State of Florida**  
**County of Broward**

The foregoing instrument was acknowledged before me this \_ day of \_\_\_\_\_, 2002, by \_\_\_\_\_, who is personally known to me or has produced identification and who did take an oath.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA  
My commission expires:

## DESCRIPTION : (25' CANAL MAINTENANCE EASEMENT)

A PORTION OF TRACTS 9 THROUGH 16 AND 57 THROUGH 64, TOGETHER WITH ALL THAT PORTION OF THE ROADWAY ADJACENT THERETO WITHIN SECTION 15, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID PORTIONS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG THE WEST LINE OF SAID NORTHEAST ONE-QUARTER, SOUTH 00°14'47" EAST (BEARING BASIS) 50.00 FEET TO POINT OF BEGINNING NO. 1; THENCE ALONG A LINE PARALLEL WITH AND 50.00 SOUTH OF THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15, NORTH 89°49'08" EAST 25.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF SAID WEST LINE, SOUTH 00°14'47" EAST 1579.54 FEET TO REFERENCE POINT 'A'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 12, SOUTH 89°48'17" WEST 25.00 FEET TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG SAID WEST LINE, NORTH 00°14'47" WEST 1579.55 FEET TO POINT OF BEGINNING NO. 1.

## TOGETHER WITH THE FOLLOWING DESCRIBED PORTION:

COMMENCE AT AFORESAID REFERENCE POINT 'A'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 2; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH 00°14'47" EAST 942.70 FEET TO A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 15, AND REFERENCE POINT 'B'; THENCE ALONG SAID PARALLEL LINE, SOUTH 89°47'49" WEST 25.00 FEET TO THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG SAID WEST LINE, NORTH 00°14'47" WEST 942.70 FEET TO A LINE PARALLEL WITH AND 25.00 SOUTH OF THE NORTH LINE OF SAID TRACT 11; THENCE ALONG SAID PARALLEL LINE, NORTH 89°48'17" EAST 25.00 FEET TO POINT OF BEGINNING NO. 2.

## ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PORTION:

COMMENCE AT AFORESAID REFERENCE POINT 'B'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE $\frac{1}{4}$ ) OF SAID SECTION 15 AND THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 3; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 15, SOUTH 00°14'47" EAST 611.78 FEET TO REFERENCE POINT 'C'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET NORTH OF THE SOUTH LINE OF TRACT 63, SOUTH 89°47'32" WEST 25.00 FEET TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG SAID PARALLEL LINE, NORTH 00°14'47" WEST 611.78 FEET TO A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, NORTH 89°47'49" EAST 25.00 FEET TO POINT OF BEGINNING NO. 3.

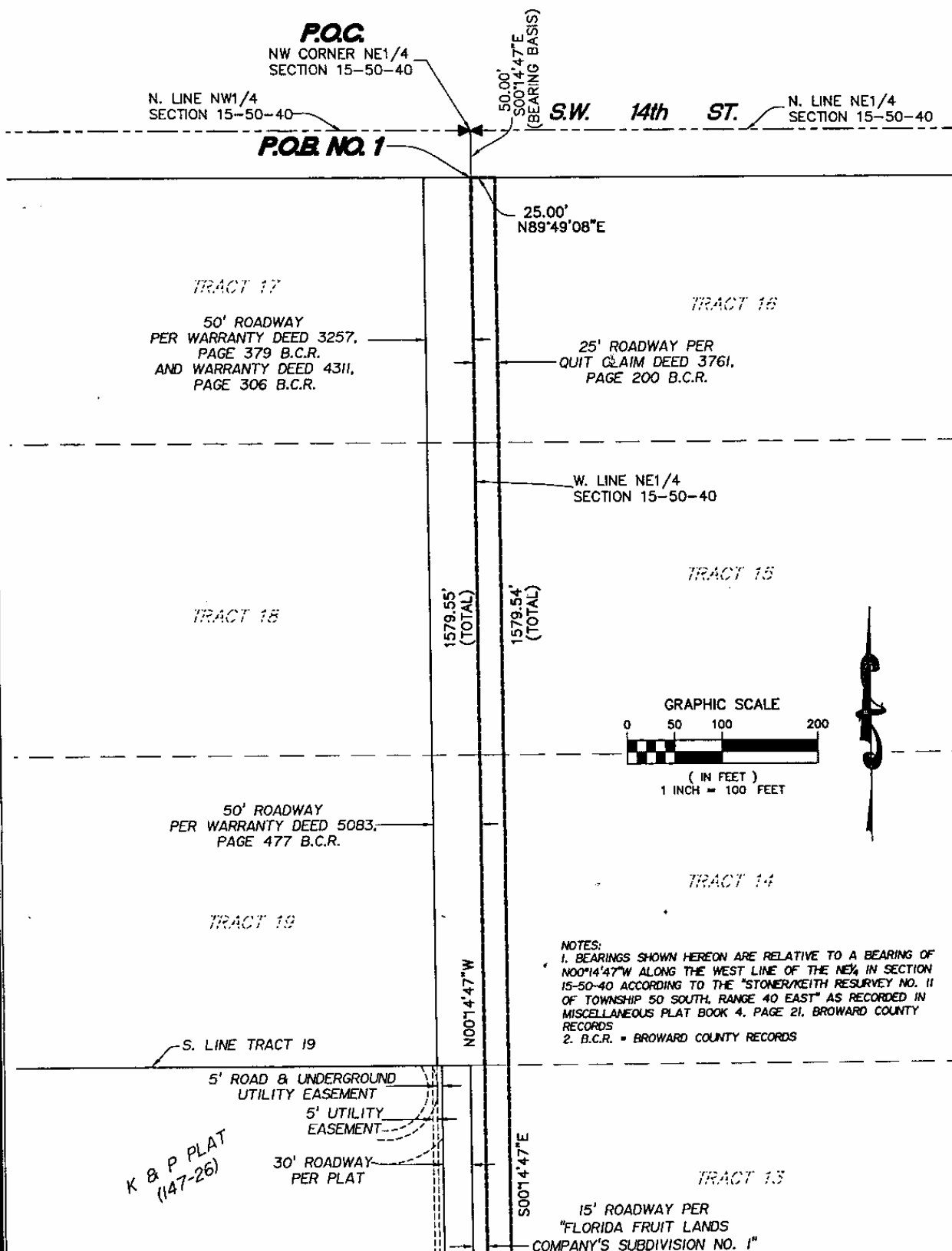
## ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PORTION:

COMMENCE AT AFORESAID REFERENCE POINT 'C'; THENCE ALONG A LINE PARALLEL WITH AND 25.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 00°14'47" EAST 50.00 FEET TO POINT OF BEGINNING NO. 4; THENCE CONTINUE ALONG SAID PARALLEL LINE, SOUTH 00°14'47" EAST 1910.36 FEET TO A LINE PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15, SOUTH 89°46'36" WEST 25.00 FEET TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (SE $\frac{1}{4}$ ) OF SAID SECTION 15; THENCE ALONG SAID WEST LINE, NORTH 00°14'47" WEST 1910.37 FEET TO A LINE PARALLEL WITH AND 25.00 FEET SOUTH OF THE NORTH LINE OF TRACT 62; THENCE ALONG SAID PARALLEL LINE, NORTH 89°47'32" EAST 25.00 FEET TO POINT OF BEGINNING NO. 4.

SAID LANDS LYING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA.

**SKETCH AND DESCRIPTION**

THIS SKETCH DOES NOT  
REPRESENT A BOUNDARY SURVEY



MATCH LINE - SEE SHEET 2 OF 5

K & P PLAT  
(147-26)

5' ROAD & UNDERGROUND  
UTILITY EASEMENT  
5' UTILITY  
EASEMENT

N. LINE TRACT 21

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 206 B.C.R.

TRACT 21

25' ROADWAY PER  
QUIT CLAIM DEED 3769,  
PAGE 983 B.C.R.

S. LINE TRACT 21

N. LINE TRACT 22

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 192 B.C.R.

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 206 B.C.R.

TRACT 22

NOTES:  
1. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF  
N00°14'47"W ALONG THE WEST LINE OF THE NE¼ IN SECTION  
15-50-40 ACCORDING TO THE "STONER/KEITH RESURVEY NO. 11  
OF TOWNSHIP 50 SOUTH, RANGE 40 EAST" AS RECORDED IN  
MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY  
RECORDS  
2. B.C.R. = BROWARD COUNTY RECORDS

S. LINE TRACT 23

50' ROADWAY PER  
WARRANTY DEED 3358,  
PAGE 574 B.C.R.

TRACT 24

1579.54'  
(TOTAL)

(TOTAL)

1579.55'

N00°14'47"W

25'

942.70'

942.70'

N00°14'47"W

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

500'14'47"E

W. LINE NE1/4  
SECTION 15-50-40

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 200 B.C.R.

TRACT 12

21' INGRESS,  
EGRESS EASEMENT  
55' CANAL  
MAINTENANCE  
EASEMENT  
589°48'17"W  
25.00'  
PARCEL 'A'  
CORNER 'A' FALLS  
(161-37)

50.00'  
S00°14'47"E

25.00'  
N89°48'17"E  
**P.O.B. NO. 2**

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 200 B.C.R.

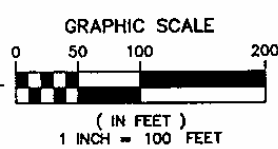
10' UTILITY  
EASEMENT

S. LINE TRACT 12

20' DRAINAGE  
EASEMENT

N. LINE TRACT 11

TRACT 11



W. LINE NE 1/4  
SECTION 15-50-40

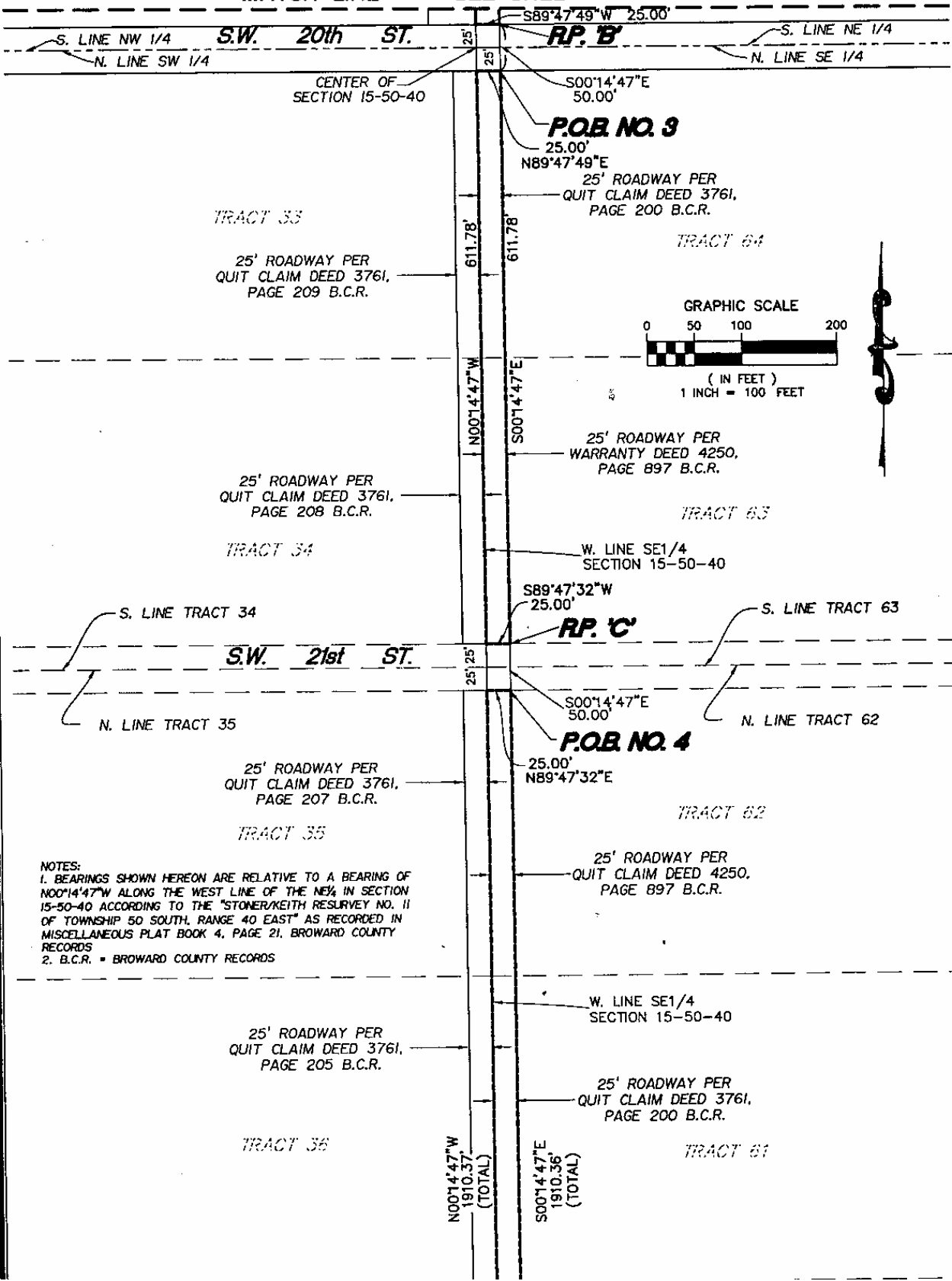
TRACT 23

TRACT 10

TRACT 9

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 200 B.C.R.

MATCH LINE - SEE SHEET 3 OF 5



NOTES:  
1. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF N00°14'47"W ALONG THE WEST LINE OF THE NE 1/4 IN SECTION 15-50-40 ACCORDING TO THE "STONER/KEITH RESURVEY NO. 11 OF TOWNSHIP 50 SOUTH, RANGE 40 EAST" AS RECORDED IN MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY RECORDS  
2. B.C.R. = BROWARD COUNTY RECORDS



TRACT 37

TRACT 60

1910.37'  
(TOTAL)

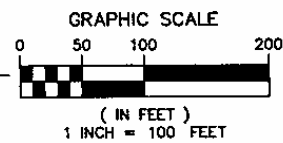
1910.36'  
(TOTAL)

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 205 B.C.R.

TRACT 38

TRACT 59

W. LINE SE1/4  
SECTION 15-50-40



TRACT 39

TRACT 58

NOTES:  
1. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF  
N00°14'47"W ALONG THE WEST LINE OF THE NE1/4 IN SECTION  
15-50-40 ACCORDING TO THE "STONER/KEITH RESURVEY NO. 11  
OF TOWNSHIP 50 SOUTH, RANGE 40 EAST" AS RECORDED IN  
MISCELLANEOUS PLAT BOOK 4, PAGE 21, BROWARD COUNTY  
RECORDS  
2. B.C.R. = BROWARD COUNTY RECORDS

25' ROADWAY PER  
QUIT CLAIM DEED 3761,  
PAGE 200 B.C.R.

TRACT 40

TRACT 57

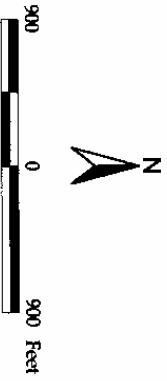
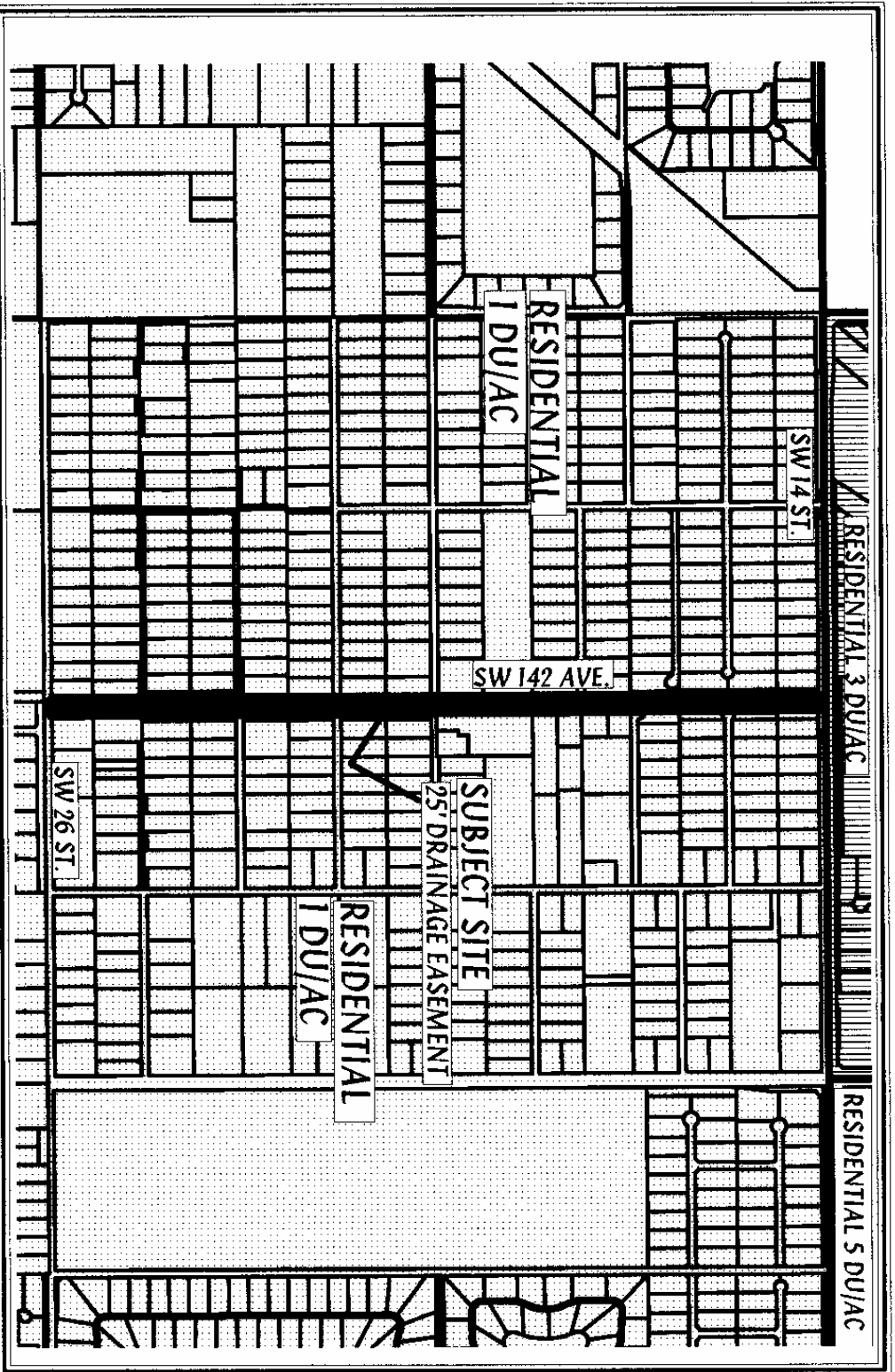
S89°46'36"W  
25.00'

S. LINE SW 1/4

S. LINE SE 1/4  
SECTION 15-50-40

SW CORNER SE 1/4  
SECTION 15-50-40

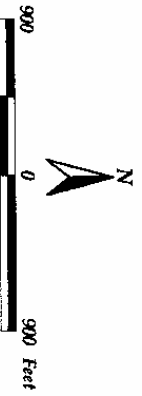
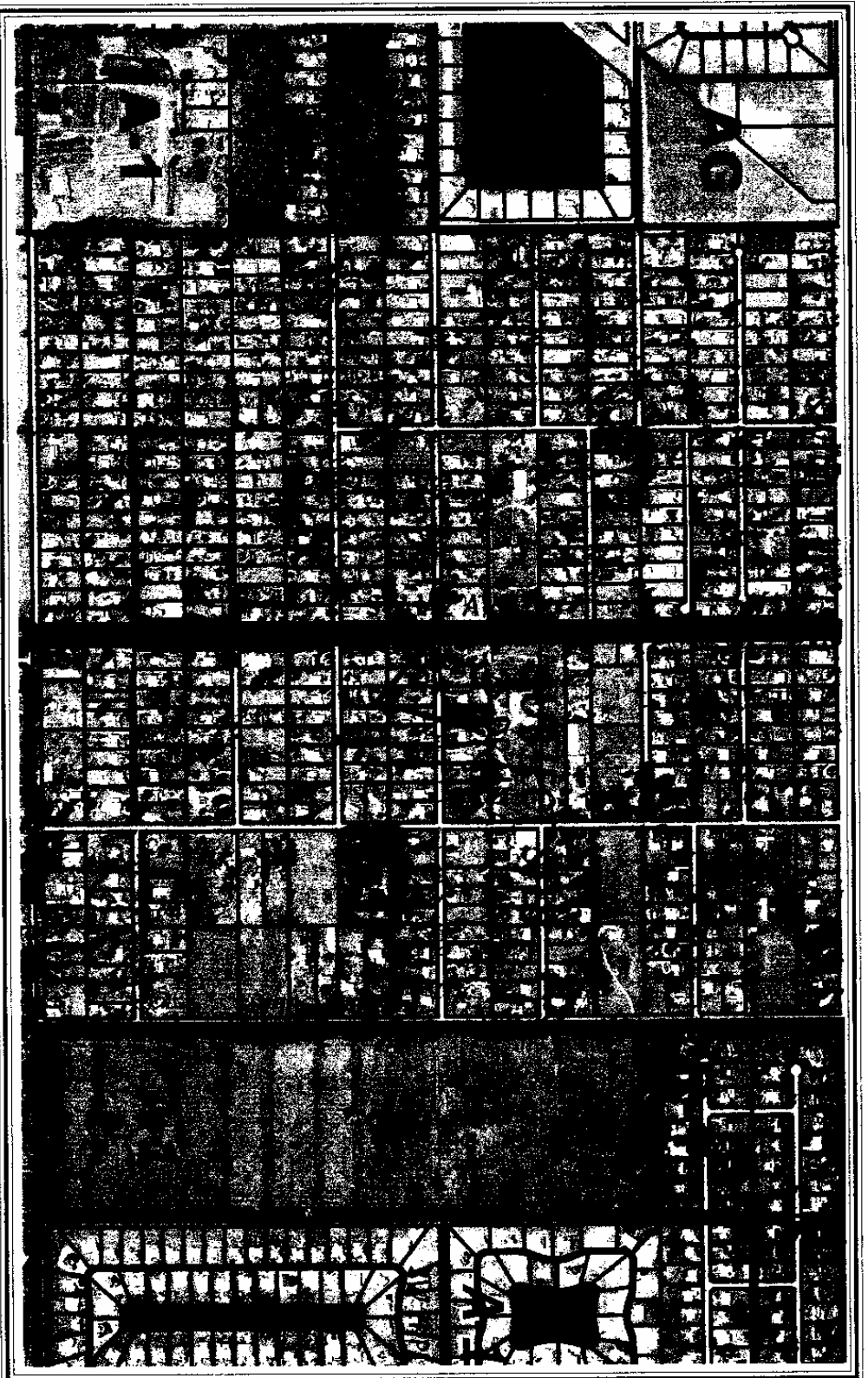
S.W. 26th ST.



Planning & Zoning Division - GIS



Grant of Easement  
SW 142 Avenue  
Existing Future Land Use Map



Planning & Zoning Division - GIS



Grant of Easement  
SW 142 Avenue  
Subject Site and Aerial Map

Date Flown: 12/31/01

